

Board of Building Standards Minutes

November 5, 2014

Public Notice having been posted, a regular meeting of the Board of Building Standards was held at 8:15 a.m., Wednesday, November 5, 2014, in the Council Chambers at City Hall, 555 Walnut, Abilene, Texas.

Board Members:	Steve Ellinger, Chairman	Present
	Alana Fletcher Maddox	Present
	Delbert Allred	Absent
	David Beard	Present
	Anthony McColum	Present
	Lloyd Turner	Present

Visitors:	Chris Hale	William C. Wegener
	Twyla Young	Donald Dorton
	Blanca Cortez	

Staff Present:	Michael Moffitt, Code Enforcement Officer
	David Sartor, Building Official
	Kelley Messer, Legal Department
	Meagan Baker, Recording

1. The meeting was called to order by Steve Ellinger, Chairman, at approximately 8:15a.m.
2. Mr. Ellinger said the first order of business was the review and approval of the minutes of the October 1, 2014 meeting. Mr. McColum made the motion to approve, Mrs. Maddox seconded and it passed unanimously.

3. CASES FOR REHABILITATION OR DEMOLITION:

Michael Moffitt, Code Enforcement Officer, then rearranged the order in which the cases were to be heard by the Board to accommodate the citizens and/or owners in attendance waiting to speak about the properties they were interested in.

Case No.	Address & Description	Owner	Board Action
14-004	1642 Roosevelt St LEON STEVENSON, Lot W93FT LT 6, Abilene, Taylor County, Texas	Linda Cortinez Lopez 1642 Roosevelt St Abilene, TX 79601	Declared a Nuisance & Ordered Demolition

Mr. Moffitt stated that the property owners have started the demolition process on the burned portion of the structure. The unsightly conditions on the property are getting worse through the demolition process. There have been no arrangements for clean up with a dumpster or someone hauling off the debris. The house is no longer secured. Mr. Moffitt stated the BOBS order from October 1, 2014 meeting was to allow the home owner to submit the Plan of Action within two days which was stated in the order from the Board from the last meeting. Also allow the owners to the next meeting in November to bring property out of condemnation. Property owners have made slow progress with the demolition of the burned section of the structure. A greater mess has resulted, since the owners are not cleaning the lot as they go forward with demolition. The City's initiative in this case was important because if the board decided to order demolition on this property, we did not just want to go in and tear the house down and move the property owners out of the way in an uncaring way. A staff meeting was held by Kelley Messer to determine how the City can be assistance to the Lopez family in their time of need. Our concern was for their safety, health and welfare of the occupants and the public in the immediate vicinity. Residing in the backyard was not an option, and the Fire Department Chaplin was called to speak with the family and offer support and resources that may be available. Also Adult Protective Services were contacted to see if Linda Lopez (who is on disability) would qualify for immediate assistance. Mr. Moffitt hand delivered a Notice of Violation to Linda Lopez for legal use of the land, according to the Land Development Code, section 2.4.1.1 entitled Use and Organization "No land or building shall hereafter be used and no building or structure shall be erected altered or converted other than for those uses specified in the Zone District and in which it is located." Also in the Notice of Violation, Chapter 19 Article 2 Section 19-15, prohibited acts or conditions which constitutes a nuisance.

The staff recommendation is demolition.

Mr. McColum asked if the property owner turned in their Plan of Action and or pulled any permits. Mr. Moffitt stated that within that two days period, they did provide a Plan of Action and they did obtain a building permit. Mrs. Maddox asked if Mr. Moffitt has been by the property since October 22, 2014. Mr. Moffitt stated that he has been by to visit with the family. He spoke with Mr. Berry and Mrs. Lopez and did an assessment of the property. Mr. Moffitt gave the family his recommendation which was to go ahead and let the City demolition because this was such a mammoth project and the family did not have the resources needed to finish this job on time.

Mr. Chris Hale, Fire Department Chaplin, stated that he was contacted by the Fire Chief Ken Dozier who had received an email from City Administration about the BOBS meeting in October to see how the Fire Department would be able to help the family. Mr. Moffitt contacted Mr. Hale and they meet that the Lopez's approximately a month ago. Since that meeting, Mr. Hale has made two other visits and he went by on November 4 to check on them to see if there was anything they needed since it was bad weather. Mr. Hale's found out after the first meeting that

Mrs. Lopez was handicapped and had some disabilities and wondered if she had a social worker and he was told that she did. Mr. Moffitt told Mr. Hale that he contacted APS and they were able to find some temporary housing for the Lopez family for 30 days staying in a hotel until they could find some more permanent housing. Mr. Ellinger stated that he appreciated Mr. Hale's involvement with this case and what he is doing to help the family with the situation.

Mrs. Twyla Young, Adult Protective Services, stated that they were able to put Mrs. Lopez in a motel for 30 days and her husband would be able stay with her. Adult Protective Services will not be able to keep her in a motel for more than 30 days but they can help when they find somewhere else to stay. Mrs. Young stated that Mrs. Lopez would like to return to her property because that is her most significant asset. They have limited income and they are worried about the fees that would occur with the demolition. Mrs. Young has encouraged Mrs. Lopez to find temporary living arrangements even if it's just renting a house for a while and Adult Protective Services will be able to help some of those deposits. Mr. Ellinger applauded Mrs. Young the efforts in helping the family.

After discussion, Mr. Beard moved to declare this property a nuisance and Mrs. Maddox seconded and the motion carried unanimously. Mr. McColum moved to order demolition and Mrs. Maddox seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
11-039	534 Palm LT 5 Less 8X10 159 OT, Abilene, Taylor County, Texas	Blanca Cortez 410 W. University Odessa, TX 79764	Grant property owner 30 days for bring property out of condemnation

Mr. Moffitt stated the BOBS order from the June 4, 2014 meeting was the owner has been granted 120 days to bring property out of condemnation. The progress is that the structure has a new roof, the exterior has been painted, and the interior stud frame walls have been installed with no sheet rock, electrical receptacles and switchboxes have been installed by someone. An electrical permit was not obtained by a licensed and bonded electrician. No repairs have been made to the siding and under pinning and no provision for weatherization. Mr. Ellinger asked if just attaching the electrical box on the stud, does that require a permit. Mr. Moffitt answered the question with yes, the electrical box has to be installed by a licensed and bonded electrician and they would have to pull a permit.

Staff's recommendation is access civil penalties for not meeting the deadline of the June 4th meeting.

Mrs. Blanca Cortez stated that from the last meeting she asked for 120 days to work on the property. Mrs. Cortez's stated that her brother has been the one working on the property. He had hired Dotson electrical and they were suppose to pull the permit, she is not sure what kind of work they have done to the property or why they did not pull the permit. Mrs. Cortez stated that there are a lot of people that try to gain access to the structure without permission. Mrs. Cortez communicated to the Board that from the pictures you can see that we have made some improvements on the structure. Mr. Ellinger expressed that he is confused why the electrician was not aware that he needed a permit. Mrs. Cortez explained that he was aware that he needed a permit but she was unsure as to why a permit had not been pulled yet. Mr. Ellinger asked Mrs.

Cortez when she plans on bring the property out of condemnation. Mrs. Cortez stated that if she could get another 30 to 60 days, the property would be out of condemnation. Mrs. Maddox asked why the under pinning had not been taken care of. Mrs. Cortez answered that the under pinning cannot be closed because of the plumber having to go in there to finish the work. Mrs. Cortez explained the house was painted in efforts to keep vagrancies out of the structure. She feels that with the house being painted and new windows installed, citizens know that someone is working on the property. Mr. McColum asked if asking for 30 to 60 more days, will that be a realistic time frame. Mrs. Cortez answered "yes". Mrs. Maddox asked if Mrs. Cortez owned the house when it was condemned July 2011. Mr. Moffitt stated she did not take possession of the property until June or July 2012.

Mr. Ellinger asked if the staff is seeking civil penalties, does that require a Board action. Mr. Moffitt stated that yes it does. Mr. Ellinger asked how much those civil penalties are in this case. Mr. Moffitt stated that you have the option of up to \$1000 a day from when the last order or from out last meeting or when the time was up to this date. That is at the Boards discretion. Mrs. Messer expressed if you do choose to access civil penalties, number 10 in the guidelines has the findings that you will need to make and then a form for those findings and the amount and number of days is going to be at your discretion. Mr. Moffitt conveyed to the board that from the June 4, 2014 order would be 153 days, from the end of the last BOBS meeting time would be 38 days. Mrs. Messer asked if there have been citations issued for this case. Mr. Moffitt stated that there have been three or four citations issued for non-compliance. Mrs. Maddox asked if those citations had fines attached to them. Mr. Moffitt stated yes. Mr. McColum stated that a building permit was not obtained until eight days after the Board had granted an additional 120 days.

Mr. Ellinger stated that he believes that civil penalties at some point are in order so we can be consistent. The question is when that would occur from. Mrs. Maddox asked what fines has she already been accessed and were those paid. Mr. Moffitt stated that he does not believe that they were paid, there was a scheduled hearing in court for Mrs. Cortez to appear and Mrs. Cortez failed to appear. Mr. Moffitt believes that a warrant was issued for her arrest for failure to appear on three citations. Mr. McColum stated that he agrees with Mr. Ellinger said about having consistency we have to look at the civil penalties for this case. One concern is the value of the property verses the potential fines. I don't know how that is ultimately going to benefit the situation. Mrs. Maddox agrees and also stated that Mrs. Cortez has had the property for two years. Mrs. Messer conveyed to the board that they should not forget about the findings because there are findings that are required before the board accesses an amount. Mr. Ellinger expressed that he would rather allow Mrs. Cortez another 30 days to get the property out of condemnation and if that does not happen then we have a staff recommendation on date and amount for civil penalties.

After discussion, Mr. Beard moved to grant property owner 30 days for bring property out of condemnation and Mr. McColum seconded and the motion carried unanimously.

Case No.	Address & Description	Owner	Board Action
12-033	1827 N 7 th St Heyck/Cunningham, Block 2, Lot 12, Abilene, Taylor County, Texas	Blanca Cortez 410 W. University Odessa, TX 79764	Grant property owner 30 days for bring property out of condemnation
<p>Mr. Moffitt stated there are some issues with unsightly conditions. From the BOBS order June 4th 2014, the owner has been granted 120 days to bring property out of condemnation. Repairs were made to the areas affected by the fire on the interior. The interior and exterior has been painted and some weatherization issues remain on the exterior. The electrical permit has been finaled out; the plumbing contractor has performed a retest on the gas lines and a mechanical permit has not been pulled to date. The property is near completion.</p> <p>Staff's recommendation is access civil penalties for not meeting the deadline of the June 4th meeting.</p> <p>Mrs. Blanca Cortez stated that she has contacted Hall AC & Heating for the mechanical inspection and they stated they could not test anything because there is no gas and no lights. Mr. Sartor stated that as far as the inside unit, the mechanical contractor will need to do an analysis and check the unit for all the components. Mrs. Cortez expressed that she is just waiting on the mechanical inspection and then she would be able to get a final inspection. Mrs. Maddox asked Mrs. Cortez how many properties you own in Abilene. Mrs. Cortez stated "around 26." Mrs. Maddox asked how many of those are in condemnation. Mrs. Cortez stated "4".</p> <p>After discussion, Mr. Beard moved to grant property owner 30 days for bring property out of condemnation and Mr. Turner seconded and the motion carried unanimously.</p>			

4. Staff update on 541 Oak Street.

Mrs. Messer explained that the City has filed a counter petition and the order of the board is before the court. We are still open for an agreement with owner, if he will tear down the building and bring the property out of condemnation, and then we will agree to not seek final judgment on those civil penalties. The property owner has had a structural engineer look at the property and determined that the slab should remain at least 5 feet from the neighboring property. That report has been provided to Building Inspections but he was supposed to come in to pull a demolition permit last week and failed to do so. If they are not interested in entering into a written agreement that says that the property owner is going to tear the building down by a certain date, then we are going to move forward with pushing the court for assigning a final judgment for the civil penalties. Mr. Beard stated that the structural engineer had problems with the common wall and that's why he agreed on leaving 5 ft of the slab on the north side of the building. Mrs. Messer explained that if the property owner pulled a demolition permit, demolished the building and left that 5 ft of slab, they would have to come back to the Board for permission to leave part of the slab.

Mr. Ellinger adjourned the meeting.

Approved: <u>David D Brand</u>	, Chairman	Date: <u>11-3-14</u>
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